

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 3:19CR00014

Date: 8/31/2020

Defendant: Daniel McMahon (Custody)

Counsel: Jessica Fay Phillips (CJA)

PRESENT:	JUDGE:	Norman K. Moon	TIME IN COURT: 1:01-1:46= 46 min
	Deputy Clerk:	Heidi N. Wheeler	
	Court Reporter:	Judy Webb	
	U. S. Attorney:	Chris Kavanaugh, Risa Berkower	
	USPO:	Brittany Warren	
	Case Agent:	Wade Douthit	
	Interpreter:		

LIST OF WITNESSES

GOVERNMENT:

- 1.
- 2.
- 3.
- 4.

DEFENDANT:

- 1.
- 2.
- 3.
- 4.

PROCEEDINGS:

- ☒ Court inquires as to Objection(s) to Presentence Report made by ☒ USA ☒ Deft.
- ☒ Court addresses objections / issues remaining. Resolved.
- ☒ Government presents victim impact testimony/statements.
- ☒ Defendant presents no evidence.
- ☒ Court adopts Presentence Report.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 41 months. 12 months as to Ct 1 and 41 months as to Ct 2 to run concurrently.

SR: 3 years. 1 year as to Count 1 and 3 years as to Count 2 - comply w/Standard, Mandatory & Special Conditions.

SA: \$125.00 due immediately.

FINE: None

REST: None

- ☒ Court recommends as follows:
 - ☒ That Defendant receive appropriate drug treatment and/or mental health treatment while imprisoned.
 - ☒ That Defendant be designated to a facility near his family in Pensacola Florida if able to provide treatments.

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

The defendant must not have contact with any victim or any minor in this case, directly or indirectly.

The defendant must not possess, purchase, or consume alcohol.

Following release from imprisonment, the court will evaluate defendant's status and determine whether, after incarceration, drug rehabilitation are necessary and appropriate. If additional rehabilitation is deemed appropriate, the

defendant shall participate in a program as designated by the court, upon consultation with the probation officer, until such time as the defendant has satisfied all the requirements of the program.

The defendant shall participate in a program of mental health treatment, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.

The defendant shall reside in a residence free of firearms, ammunition, destructive devices, and dangerous weapons.

The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers as defined in 18 U.S.C. § 1030(e)(1), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his or her supervision and that the areas to be searched contain evidence of this violation.

The defendant may not purchase, possess, or use any computer as defined in 18 U.S.C. § 1030(e)(1), cellular telephone, or other Internet-capable device without the prior approval of the court, upon consultation with the probation officer. In cases where approval is granted by the court, use of such devices shall be conditioned on defendant's compliance with the Computer Monitoring Program authorizing the probation office to identify, monitor, access and seize any such devices under the defendant's control.

The defendant shall submit to search and seizure of his or her computer, as defined in 18 U.S.C. § 1030(e)(1), electronic communication devices, data storage devices, or other Internet-capable devices. This may include the retrieval and copying of all data. The defendant should warn any other residents or occupants that the premises or vehicles in which the defendant may be located could be subject to search pursuant to this condition.

PAYMENT SCHEDULE:

☒ A lump sum payment of \$125.00 is due immediately.

ADDITIONAL RULINGS:

☒ Defendant advised of right to appeal.
☒ Defendant remanded to custody.

Additional Information:

Defendant advised of right to proceed in person/by video. Consents to hearing by video.

Arguments heard.

Findings by Court.